

**Speech-Language Pathology and Audiology Board**

1422 HOWE AVENUE, SUITE 3, SACRAMENTO, CA 95825  
TELEPHONE: (916) 263-2666/ FAX: (916) 263-2668  
www.slpab.ca.gov



**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD  
Department of Consumer Affairs  
Medical Board of California  
1424 Howe Avenue  
Greg Gorges Conference Room "F"  
Sacramento, CA 95825  
September 24, 2004  
MINUTES**

**Members Present**

Marcia Raggio, Ph.D., Chairperson  
Sherry Washington, M.A.  
Rebecca Binge, M.A.  
Alison Grimes, Au.D.  
Diana Verdugo, M.S.  
James Till, Ph.D.  
Bruce Gerratt, Ph.D.  
Paul Donald, M.D.

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Candace Raney, Staff Analyst  
Lori Pinson, Staff Analyst  
Albert Balingit, Legal Counsel  
George Ritter, Legal Counsel (via telephone)

**Members Absent**

Vivian Shannon, M.A.

**Guests Present**

Robert Powell, California Speech-Language Hearing Association  
Gail Ternes, California Academy of Audiology  
Kathy Matonak, California Academy of Audiology  
Lisa O'Connor, Speech-Language Pathologist  
Jody Winzelberg, Audiologist  
Barry Brokaw, California Academy of Audiology, Sacramento Advocates, Inc.  
Nancy Hall, Deputy Director of Board Relations, Department of Consumer Affairs

## **I. Call to Order**

Chairperson Raggio called the meeting to order at 9:55 a.m.

## **II. Introductions**

Ms. Raggio introduced and welcomed the Board's newest member, Diana Verdugo. Ms. Verdugo greeted the Board and provided information regarding her work history and educational background.

All others present introduced themselves.

## **III. Approval of meeting minutes for July 15-16, 2004 - Committee Meetings and Full Board Meeting**

The Board discussed minor grammatical edits to the minutes.

M/S/C: Grimes/Donald

The Board approved the July 15-16, 2004 Committee Meeting and full Board Meeting minutes as amended.

## **IV. Chairperson's Report (Marcia Raggio)**

Ms. Raggio explained that the California Performance Review (CPR) Commission has recommended the dissolution of the Speech-Language Pathology and Audiology Board. The Commission's report recommends that the Board be placed under the Department of Commerce and Consumer Protection. She stated that the Speech-Language Pathology and Audiology Board is the only allied health board that the Commission has recommended for dissolution. The Commission has recommended placement of all other allied health boards under the Department of Health and Human Services.

Ms. Raggio stated that she and Ms. Del Mugnaio have worked together to prepare a written statement to be provided to the CPR Commission via e-mail prior to the hearing scheduled for September 27, 2004. Ms. Raggio stated that she would provide testimony at the hearing based on this document.

Ms. Raggio asked the Board members to review the document and provide input.

Ms. Del Mugnaio explained that the CPR report is currently a proposal, and many of the recommendations contained in the report would require legislative action.

Ms. Del Mugnaio reiterated that the Commission has recommended no other allied health boards for dissolution, and that all other allied health boards would be placed under the Department of Health and Human Services. She stated that she believes that the recommendations regarding this Board were an oversight. She also stated that she has shared her administrative concerns regarding the recommendations with the Department.

The Board discussed the CPR report and recommendations in depth, and Ms. Del Mugnaio provided a great deal of clarification.

Ms. Del Mugnaio reminded the Board members that the opportunity for providing testimony at the hearing would be limited to approximately three minutes. She stated that she believes it is important to address key points in the testimony provided. She explained that it is vitally important to focus on how the recommendations might impact the health, safety, and welfare of California consumers.

The Board discussed the proposed Board testimony to the CPR Commission hearing and provided recommendations for amendments.

M/S/C: Grimes/Bingea

The Board voted to adopt the testimony with proposed amendments, as the official statement of the Board to be presented to the CPR Commission.

## **V. Committee Reports**

### **A. Continuing Professional Development Practice Committee (Gerratt)**

Ms. Del Mugnaio explained that the Continuing Professional Development Committee meeting was not held because there were not enough members present to establish a quorum. She stated that it is necessary to appoint a new member to serve as the public member for this Committee.

Ms. Raggio appointed Ms. Verdugo to serve as the public member of the Continuing Professional Development Committee.

The Board established October 26, 2004 at 12:30 p.m. as the date and time to hold the next Continuing Professional Development Committee meeting, via teleconference.

### **B. Audiology Practice Committee (Bingea)**

Ms. Bingea stated that the Audiology Practice Committee met with representatives from the California Children Services (CCS) Newborn Hearing Screening Program (NHSP) to discuss issues related to infant audiologic assessment guidelines and mandatory referral laws for Early Start Program benefits.

Ms. Bingea stated that the Board and the CCS representatives met to discuss problems that have arisen since the implementation of the NHSP, as well as to brainstorm regarding potential solutions.

Ms. Bingea stated that the CCS NHSP has provided guidelines for audiologic assessment, which are provided to facilities and to providers for comprehensive assessment of infants who have failed newborn screening. A primary concern is that many providers have failed to implement the assessment guidelines and that, as a result, some infants are not being appropriately assessed or diagnosed, and may not be receiving the necessary intervention

services, including referrals to agencies for early intervention through the Early Start Program.

Ms. Bingea reported that the representatives of CCS stated that they have attempted to inform providers of the guidelines and have provided training to assist in implementing proper assessment of infants; however, the training sessions have been poorly attended, and inadequate assessment continues.

Ms. Bingea stated that several strategies were identified regarding ways in which the Board might work with CCS to address this issue. Some areas identified included utilization of the Board's website to disseminate NHSP information, and use of the Board's licensee mailing lists to distribute announcements for future NHSP training opportunities.

Ms. Bingea also explained that CCS does not have established regulations to enforce the infant assessment guidelines. She further explained that the Board can assist with enforcement matters that involve unprofessional conduct or substandard care issues; however, the Board does not have the statutory authority to pursue regulations specific to pediatric audiology services. She stated that the Department of Health Services (DHS)

might have the authority to promulgate such regulations, so it was recommended to the representatives of CCS that they meet with DHS legal counsel to determine the scope of the agency's statutory authority.

Ms. Bingea stated that it was also requested that CCS provide the Board with a copy of the assessment guidelines to be reviewed by the Audiology Practice Committee and discussed at the January 2005 meeting.

Ms. Bingea stated that other issues discussed were the development of informational packets to be automatically disseminated to parents, providers, and approved facilities for the NHSP.

Ms. Bingea stated that the Committee suggested the possibility of utilizing outcome measures to hold CCS-approved centers accountable for noted deficiencies.

Ms. Del Mugnaio stated that the Committee and CCS agreed to work together to develop a structured exchange of information regarding enforcement issues that involve licensed audiologists who serve as paneled CCS providers.

Ms. Bingea stated that the Committee also discussed pending legislation. She explained that SB 1158 would have provided hearing aid coverage for children; however, it was vetoed by the Governor.

M/S/C: Donald/Till

The Board voted to accept the report and recommendations of the Audiology Practice Committee.

### **C. Speech-Language Pathology Practice Committee (Till)**

Mr. Till stated that the Speech-Language Pathology Practice Committee met to discuss a clarification requested by the California Speech-Language Hearing Association (CSHA) regarding the role of speech-language pathology assistants (SLPAs) in the feeding of patients who have swallowing disorders. He explained that, after an in-depth discussion of the issue, it was determined that an SLPA possesses the training necessary to engage in routine feeding activities. Therefore, the committee recommended that the Board delegate to Ms. Del Mugnaio the development of a formal statement regarding this matter, to be provided to CSHA.

M/S/C: Donald/Washington

The Board voted to accept the report and recommendations of the Speech-Language Pathology Practice Committee.

## **VI. Executive Officer's Report (Annemarie Del Mugnaio)**

### **A. Budget Update**

Ms. Del Mugnaio stated that the budget report included in the Board packet reflects the 2003/2004 fiscal year.

### **B. CAA Meeting September 10, 2004**

Ms. Del Mugnaio explained that she attended the California Academy of Audiology meeting held on September 10, 2004 in Monterey, California. She stated that she provided information regarding the Board's actions in response to the movement of the profession of audiology toward the clinical doctorate of audiology (Au.D.) degree. Ms. Del Mugnaio stated that she informed the Academy of the Board's pending changes related to the continuing professional development program and advised that the Board is seeking professionals to serve as subject matter experts. Ms. Del Mugnaio stated that this meeting was very informative.

### **C. California Performance Review Report**

Ms. Del Mugnaio stated that this agenda item was discussed previously during the Chairperson's Report.

### **D. Out-of-State Travel**

Ms. Del Mugnaio explained that the administration is reluctant to approve out-of-state travel requests unless the request is determined to be of a critical nature. Ms. Del Mugnaio provided the Board with examples of issues determined to be of critical need that would warrant state agency attendance or participation.

Ms. Del Mugnaio explained that the administration has been reluctant to approve out-of-state travel requests to attend professional conferences. She stated that the administration has acknowledged that these conferences are helpful but have not been determined to be a necessity. However, she explained that the administration has agreed to approve travel requests for a Board representative to attend one professional conference and, as such, Ms. Del Mugnaio will be attending the National Council of State Boards in Speech Pathology and Audiology to be held in Santa Fe, New Mexico. Members in attendance at that conference will be discussing the movement in the profession of audiology to the Au.D. as the entry-level degree, and how regulatory agencies are addressing the educational transition. Another topic of discussion will be that of establishing an Audiology Assistant paraprofessional category.

Ms. Del Mugnaio stated that there is additional information included in the Board packet.

#### **E. Requiring United States Federal Bureau of Investigation Clearances for Licensure**

Ms. Del Mugnaio explained that the Board currently requires fingerprint clearance through the California Department of Justice as a condition of licensure. However, fingerprint clearance through the United States Federal Bureau of Investigation (FBI) has not been required. This presents a consumer protection issue, as individuals that may have a criminal history in another state might not disclose such information to the Board. Without the FBI clearance, the Board might unknowingly issue a license to an individual who is unfit to practice audiology or speech-language pathology.

Ms. Del Mugnaio stated that, effective November 1, 2004, the Board will require FBI fingerprint clearance as a condition of licensure for all new and pending licensing applicants.

Ms. Del Mugnaio stated that the process will remain the same; however, there will be an additional fee for processing of the FBI clearance.

Ms. Del Mugnaio stated that a notice is posted on the Board's website, and a copy of the notice will go out with all new applications mailed.

#### **F. Public Outreach**

Ms. Del Mugnaio stated that a "Back to School" news release published by the Department of Consumer Affairs aired on two radio stations, including KTBU in the Bay Area. Ms. Raggio provided a comment regarding the need for hearing screenings for school-age children. Ms. Del Mugnaio stated that a copy of the news release is included in the Board packet.

Ms. Del Mugnaio stated that the Department continues to seek out information from many professions, including speech-language pathology and audiology, to be included in their public awareness campaign.

Ms. Del Mugnaio stated that Ms. Lisa O'Connor submitted a wonderful piece related to changing standards for children with speech-language and learning disorders, including information on the appropriate professionals to treat children in schools with particular learning and communication disorders. Ms. Del Mugnaio is waiting to hear from the Department as to when this information might be included in its campaign. She stated that the Board might disseminate the document as well.

Ms. Del Mugnaio encouraged the Board members to submit any information they feel might be beneficial to this campaign.

## **VII. Enforcement/Licensing Statistical Reports (Candace Raney/Lori Pinson)**

Ms. Del Mugnaio stated that the licensing report included in the packet includes a correction to a previous report in terms of the number of current audiology aides.

Ms. Del Mugnaio explained that the enforcement statistics include information relative to the 2003/2004 fiscal year.

## **VIII. Legislation**

### **A. SB 1913—CPD Course Approval & Exemption for Professional Corporations**

Ms. Del Mugnaio stated that the statute would take effect on January 1, 2005. SB 1913 provides the Board with authority to approve continuing professional development courses. It also alleviates the Board from the responsibility of issuing professional certificates for those who form professional corporations. Ms. Del Mugnaio stated that there are statutes and regulations that specifically address professional speech-language pathology and/or audiology corporations.

Ms. Del Mugnaio stated that SB 1913, as it relates to the approval of CPD courses, will not be implemented until such time as the Board has obtained the resources to do so, including establishing defining regulations and securing the necessary volunteer subject matter experts.

### **B. SB 136—Sunset Extension/Staggered Board Terms**

Ms. Del Mugnaio stated that SB 136 would extend the Board's Sunset date to January 2008. She explained that the Joint Legislative Sunset Review Committee postponed the Board's Sunset Review process for another year.

Ms. Del Mugnaio stated that SB 136 also provides for staggered board terms. This will alleviate the Board's current situation wherein the majority of the current members have terms that expire as of November 1, 2004.

### **C. AB 320—License Settlement Agreements**

Ms. Del Mugnaio explained that AB 320 prohibits licensees, or entities acting on behalf of licensees, who are involved in civil matters, from including in stipulated settlements any provision that would preclude the victim(s) from filing an administrative complaint against the licensee. The legislation was enrolled to the Governor on August 25, 2004 and is awaiting signature.

### **D. AB 750—Medi-Cal Durable Medical Equipment**

Ms. Del Mugnaio stated that the Board did not take a position on AB 750 at the previous Board meeting because the Board did not feel that this bill was specifically related to services provided by speech-language pathologists and audiologists. This provision would define a rehabilitative services coordinator. The individual defined as such would be responsible for recommending certain rehabilitative devices or equipment. However, the bill refers specifically to wheelchairs and issues related to custom-built mobility equipment.

Ms. Del Mugnaio explained that CSHA submitted a letter of concern regarding the bill. As a result, language was added to the bill that defines a qualified rehabilitative professional as an individual who is a physical therapist, an occupational therapist, or a speech-language pathologist who is licensed pursuant to the Business and Professions Code, or other qualified health care professionals as approved by the Department of Health Services.

Ms. Del Mugnaio stated that the bill was enrolled to the Governor on August 25, 2004 and is awaiting signature.

### **E. AB 2909—Early Intervention Services**

Ms. Del Mugnaio stated that it was unclear whether or not this bill would in some way directly or indirectly place the teacher of the deaf as a lead coordinator in garnering early intervention services for children who have been diagnosed as deaf or severely hearing impaired.

Ms. Del Mugnaio explained that the motion of the Board at the last meeting was to delegate to the Executive Officer to prepare a letter to the author of the bill and express concern regarding the ambiguity of the language in AB 2909. Specifically, the Board found the language regarding the role of the teacher of the deaf to be confusing and possibly beyond the scope of responsibility for an individual with this credential.

Ms. Del Mugnaio stated that this bill has been referred to a study commission and, as such, there is no implementing legislation to change the current structure of the early intervention process. She stated that the study report is due to the Legislature by January 2006 and that she will continue to monitor the matter.



## **F. AB 2912—Interpreters & Translators**

Ms. Del Mugnaio stated that AB 2912 did not continue through the legislative process. It was suspended and is being held under submission. This bill would have created a new regulation category of Interpreters and Translators under the Department of Consumer Affairs. As this bill was not applicable to audiologists and/or speech-language pathologists, the Board did not take a position.

## **G. AB 1414—Discount Health Programs**

Ms. Del Mugnaio stated that AB 1414 was supported by the Board. She stated that this bill has been suspended and was referred back to the Committee on Insurance. She explained that the Board still has an opportunity, if deemed necessary, to forward a letter of support to Assembly Member Levine to express support for a measure that would further define the necessary disclosures for discount health programs as being those programs that provide discounted services for a monthly fee. This bill would enforce proper disclosure of the functions and services provided under discount health programs.

Ms. Del Mugnaio stated that she has significant concerns regarding this bill and would like to further research this matter to determine the true intent of the bill prior to asking the Board to take a formal position.

M/S/C: Donald/Washington

The Board voted to rescind the previous motion to support AB 1414.

## **H. Other Legislation of Interest to the Board**

Ms. Del Mugnaio stated that there is no other legislation of interest at this time.

## **IX. Proposed Regulations**

### **A. Discussion on Proposed Amendments to California Code of Regulations Sections 1399.152 & 1399.156.4 Regarding Board-Approved Institutions & the Advertisement of Professional Degrees**

Ms. Del Mugnaio introduced the discussion item and referenced the documents pertaining to the issue of redefining a Board-approved institution. She stated that the impetus for the regulation amendment was to update the language relative to the accrediting bodies that accredit speech-language pathology and audiology professional training programs and to address the academic transition in the field of audiology to the doctorate level. She referenced the draft proposed regulation language for Section 1399.152, "Board-Approved Institutions," as prepared by Ms. Grimes, with input from several professional sources, and the respective draft advertising language, 1399.156.4, as prepared by Mr. Ritter. She distributed a document prepared by Barry A. Freeman, Chair of the American Academy of Audiology Subcommittee on State Licensure, which provided state regulatory bodies with sample language that can be used to amend licensure laws to reflect the entry-level

academic requirement of doctoral education in audiology. She also distributed a lengthy document prepared by the Accreditation Commission for Audiology Education (ACAE) that provided draft standards for the accreditation of Au.D. training programs.

Ms. Del Mugnaio introduced the issues facing the Board and stated that the Board is proposing two separate but related regulation changes. First would be to amend the existing advertising language regarding the advertisement of an earned academic degree. She stated that existing advertising regulations are not in concert with Business and Professions Code Sections 17500 and 17500.1, which prevent any state agency from restricting the advertisement by a professional if the advertisement is not false or misleading to the public. The existing regulations, as defined in 1399.156.4, restrict licensees from advertising a professional degree if the degree was not awarded from a Board-approved institution. Ms. Del Mugnaio explained that the advertising issue is not an issue affecting an applicant's ability to be licensed. Rather, individuals impacted by this regulation are professionals who are already licensed, as they hold the required Master's degree but wish to advertise an advance degree achievement; i.e., the Au.D. Ms. Del Mugnaio explained that the other related issue and regulation amendment has to do with redefining a "Board-approved" institution to qualify the educational standards for the new doctorate training programs in audiology. She further explained that this issue would impact individuals applying for licensure, as applicants must have graduated from a "Board-approved" program in order to qualify for a license in California.

Upon clarifying the distinction between the two issues facing the Board, Ms. Del Mugnaio invited Mr. Ritter to address the advertising issue related to the regulation amendment and referenced Mr. Ritter's draft regulation language amending California Code of Regulation (CCR) Section 1399.156.4.

Mr. Ritter explained the legal boundaries and history regarding state agencies attempting to restrict the advertising of certain professional degrees. He stated that the issue is much broader than that pertaining to the Board. He explained that much of the concern surrounding the credibility of advanced academic degrees might have more to do with the lack of adequate oversight of degree-granting institutions.

Ms. Washington and Mr. Donald expressed concern regarding vesting responsibility with the Board for determining an institution's merit. Both members stated that the Board does not have the resources or experience to make informed decisions regarding the quality of any one degree-granting institution.

Ms. Bingea further stated that the proposed language in Mr. Ritter's, draft listing states that do not have appropriate regulatory bodies, may be tenuous as the situation may be continually changing and, at times, inaccurate.

Mr. Ritter agreed that the listing is unnecessary.

The Board agreed to support the proposed regulations as prepared by Mr. Ritter with the deletion of the listing of states identified as not having appropriate regulatory oversight.

Mr. Donald stated that the burden of proof to demonstrate that a degree has merit should rest with the individual licensee and should be examined on a case-by-case basis.

Ms. Del Mugnaio stated that it is not practical for the Board to examine each Au.D. applicant on a case-by-case basis.

Ms. Grimes explained that the entire profession has moved toward doctoral education and that, aside from the advertising issue for individuals already licensed, the Board now has an issue of individuals who enter doctorate training programs with no accreditation, and who will seek licensure in the State. She stated that, irrespective of the fact that the profession failed to establish accreditation standards prior to the educational transition, the Board has an obligation to respond.

Because the discussion was transitioning away from advertising and addressing accreditation issues and licensure, Ms. Del Mugnaio referenced the draft language regarding "Board-approved" institutions, California Code of Regulation Section 1399.152, as amended by Ms. Grimes, who incorporated the Board's comments and suggestions from the July Board meeting.

Ms. Grimes pointed out that there is a mechanism for audiology doctorate programs to be accredited through the Council of Academic Accreditation (CAA) of the American Speech-Language-Hearing Association. However, she stated that the CAA of ASHA has been criticized by the United States Department of Education for not applying rigorous enough standards to the doctorate level training programs.

An in-depth discussion was held regarding the concept of relinquishing standard setting and accreditation functions to the CAA for the purpose of qualifying doctorate education in audiology.

Ms. Del Mugnaio stated that the concept might be impractical and not administratively sound, as the audiology profession is not vested in ASHA as its representative national body.

Mr. Donald inquired as to why the Board would take on the responsibility of creating an accreditation standard without a national model. He also asked how the Board derives the information to craft thorough and appropriate educational components, given the Board's limited resources.

Ms. Del Mugnaio stated that the Board has held public forums regarding this issue for over two years and has sought out information from every available source: national professional bodies, educational training program directors in California and other states, individual licensees, and accreditation organizations. She further explained that if the Board does not respond to the national transition, it might be criticized by the Legislature for failing to maintain a current regulatory program and for creating licensing barriers preventing qualified audiologists from practicing in the State. Considering the existing shortage of audiology providers and the financial situation in the State, the inaction of the Board might be viewed as negligent.

Ms. Raggio requested Ms. Grimes to review with the rest of the Board the draft document as amended.

Several points of clarification were raised by the Board and the public in attendance upon review of the draft document.

Ms. O'Connor raised an issue of concern regarding the language that would enable the Board to approve, in its discretion, accreditation bodies other than those recognized by the United States Department of Education or other national oversight accreditation agencies. She stated that the Board should not be responsible for ensuring the quality and integrity of accreditation bodies as there are already well-established bodies to perform this function.

Mr. Till expressed his support for the Board's retention of such authority as it then has the purview to examine emerging accreditation systems available for academic programs in speech-language pathology and audiology.

Ms. Del Mugnaio agreed and stated that other healing arts professions have broad regulatory authority to acknowledge accreditation organizations as approved by the Board.

Ms. O'Connor reiterated that she was concerned that the Board's involvement at the accreditation level may in some way compromise the existing comprehensive system of accreditation for professional training programs.

Ms. Del Mugnaio asked Ms. O'Connor whether she was opposed to the proposed language to approve other accreditation organizations because it may create an avenue for speech-language pathology programs of poor quality to become recognized.

Ms. O'Connor stated that the risk of acknowledging weak programs could exist for either profession.

Ms. Grimes proceeded to review the draft with the Board and referenced the language regarding the length of the doctorate-training program as being defined as a four-year program.

Ms. Raggio suggested that the language reference the completion of a specific number of semester or quarter units rather than program length.

Mr. Till concurred and stated that academic catalogs do not typically reference a program length in terms of a number of years but, instead, require completion of a specific number of units.

Ms. Matonak inquired about whether the language would address standards for on-line academic programs.

Ms. Grimes stated that reference to distance-learning programs could be included in the language, and that such programs would be required to meet the requirements specified in subsection (b) of the proposed language.

Ms. O'Connor stated that the proposed language in subsection (a) and (b) regarding "post-baccalaureate doctoral programs" should be clarified to refer to audiology programs and not speech-language pathology, as the criteria set forth do not pertain to speech-language pathology training programs.

Mr. Gerratt asked whether the faculty referenced in subsection (b)(2)(B) is in addition to the required faculty spelled out in subsection (b)(2)(A).

Ms. Grimes affirmed that the intent of the requirement was additional required faculty, and stated that she would amend the language to make the faculty requirements clear.

Mr. Till suggested that the definition in the preamble of the document, which refers to "site," be expanded or reworded to encompass satellite campuses and possible virtual campuses. He also suggested that the language referencing the 4<sup>th</sup> year externship be amended to state a "final externship," arguing that the externship could be completed simultaneously with other program requirements.

Ms. O'Connor provided an editorial comment and stated that the proposed language in subsection (a) referencing the "Committee on Higher Education Accreditation" should be corrected to reflect the "Council on Higher Education Accreditation."

Ms. Del Mugnaio suggested that further discussions regarding the draft language be held until more information can be gathered from the National Council of State Boards Conference where she and Ms. Grimes will have an opportunity to dialogue with other state licensing bodies and Au.D. programs located across the country regarding their academic structure and accreditation policies. She stated that the information would be shared with the Board at the January 2005 Board meeting, where further deliberation and amendments would be addressed.

**B. Discuss Licensing Issues Related to Doctorate Education—Required Professional Experience Requirements (California Code of Regulations 1399.152.2 & 1399.153)**

The discussion was tabled until the January Board meeting. The Board determined that the information available at the National Council of State Board's Conference, to be held on October 22-23, 2004 in New Mexico, would provide further guidance on how the academic transition in audiology to doctorate education will affect other aspects of licensing provisions.

Ms. O'Connor stated that an ad-hoc Committee of the Council of Academic Programs in Communication Sciences and Disorders and the CAA have formed to address issues related to the clinical experiences completed in audiology doctoral programs with respect to the required level of supervision as well as supervisor qualifications.

Ms. Del Mugnaio asked Ms. O'Connor to share with the Board any developments from meetings of the ad-hoc Committee.

### **C. Discussion of Department of Consumer Affairs Model Regulations for Complaint Disclosure and the Board's Proposed Complaint Disclosure Regulations (California Code of Regulations Sections 1399.180 – 1399.187)**

Ms. Del Mugnaio stated that, at a previous meeting, the Board proposed complaint disclosure regulations. However, the Department subsequently announced that it would not approve any proposed regulations relative to complaint disclosure because the State and Consumer Services Agency were reviewing the previous administration's complaint disclosure guidelines to ensure that the model in place was legally supported and approved by the current administration. As such, the Board placed the proposed regulations on hold until such time as the Agency completed its review.

Mr. Ritter advised the Board regarding the Department's new complaint disclosure model and expressed his concerns with the document as provided. Mr. Ritter explained that the Department's complaint disclosure model places a great deal of responsibility with the executive officer to determine when it is appropriate to disclose complaint information to the public.

Ms. Del Mugnaio directed the Board to review the documents contained in the Board packets that included the Board's current complaint disclosure policy, as well as the Department's complaint disclosure model regulations.

Ms. Del Mugnaio stated that the Board's proposed complaint disclosure regulations include more specific language to identify complaints that warrant disclosure to the public.

Ms. Del Mugnaio requested that the Board review the Department's complaint disclosure model for consideration in the final development of the Board's proposed complaint disclosure regulations.

Ms. Del Mugnaio recommended that she and Mr. Ritter work together to develop a proposed regulation relative to complaint disclosure that would reflect the Board's current complaint disclosure policy and incorporate portions of the Department's complaint disclosure model. Ms. Del Mugnaio stated that she would then bring the document before the Board for discussion at the next Board meeting in January 2005.

M/S/C: Donald/Till

The Board voted to delegate to the Executive Officer and Legal Counsel to develop composite language incorporating the two documents to be provided to the Board at the next Board meeting in January 2005.

#### **D. Citation and Fine (California Code of Regulations Section 1399.159)**

Ms. Del Mugnaio explained that the Board's citation and fine regulations require amendments, as they refer only to audiologists and speech-language pathologists. The proposed regulatory amendments incorporate the Board's other license types.

Ms. Del Mugnaio also explained that, pursuant to new legislation, the Board has been given the authority to issue citation and fine of up to \$5000 for violations that meet certain criteria. The previous maximum allowable amount was \$2500.

Mr. Ritter stated that he has reviewed and approved the proposed regulatory amendments.

Mr. Donald recommended adding children to the protected group specified in the proposed regulation language, who, if harmed or defrauded by a licensee, would warrant the issuance of a citation and fine to the licensee in an amount greater than \$2,500.

M/S/C: Donald/Grimes

The Board voted to approve the proposed regulatory language regarding citation and fine.

#### **X. Permissible Forms of Corporate Practice by Speech-Language Pathologists and Audiologists – George Ritter**

Ms. Del Mugnaio explained that the Board packets include a legal opinion prepared by Mr. Ritter in response to an inquiry to the Board regarding whether or not it is permissible for speech-language pathologists and audiologists to form general practice corporations as opposed to forming professional corporations, which is provided for the Board's existing laws and regulations.

Mr. Ritter provided the Board with background information related to the development of his legal opinion regarding this issue.

Ms. Del Mugnaio stated that this opinion is supported by the Department's Legal Office.

#### **XI. Meeting Calendar 2005**

The Board reviewed the meeting scheduled for 2005. The meeting dates as scheduled are January 14 and 15, to be held in San Francisco; April 29 and 30, to be held in San Diego; July 29 and 30, to be held in Sacramento; and October 28 and 29, to be held in San Francisco.

#### **XII. Public Comment on Items Not on the Agenda**

Lisa O'Connor stated that she would like to see that various professional associations representing the professions of audiology and speech-language pathology work collaboratively to support the existence of the Board and continued regulation of the professions.

**XIII. Announcements**

**Next Board Meeting is January 14-15, 2004**

The next Board meeting will be held in San Francisco on January 14 and 15, 2005.

**BOARD WILL CONVENE IN CLOSED SESSION**

**XIV. Closed Session (pursuant to Government Code Subsections 11126 (a)(1) (c)(3) Proposed Decisions/Stipulations/ Other APA Enforcement Actions**

- A. Proposed Stipulation and Settlement for Probation In the Matter of the Accusation Against Ricci Lund, SP 8281**
- B. Proposed Stipulation and Settlement In the Matter of the Statement of Issues Against Soussan Sabetghadam**
- C. Proposed Decision in the Matter of the Citation Against Kim Lori Hoppin, AU 1388**

**BOARD WILL RECONVENE IN OPEN SESSION**

**XV. Adjournment**

The being no further discussion, Ms. Raggio adjourned the meeting at 4:45 p.m.

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Annemarie Del Mugnaio, Executive Officer